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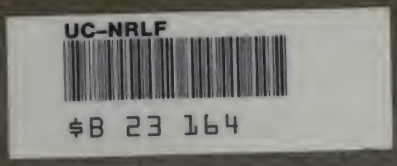

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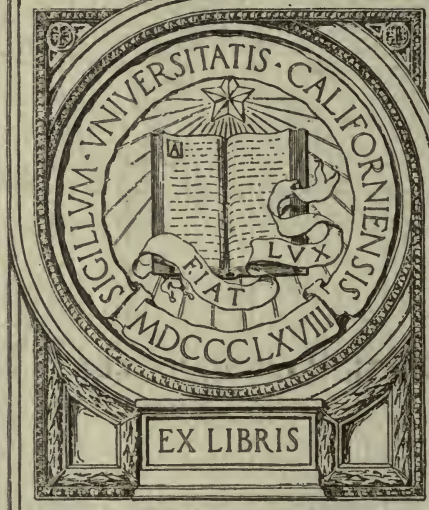

EX LIBRIS

Charter

OF THE

CITY of SPOKAN

STATE OF WASHINGTON

COMMISSION FORM
OF GOVERNMENT

Adopted December 28, 1910
As Amended by Vote of the People
November 4, 1913

Published by the Authority of the
Commissioners of the City
of Spokane

COLE PRINTING COMPANY

Charter

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Univ. of California

ARTICLE I.

NAME, BOUNDARIES, POWERS, RIGHTS AND LIABILITIES.

Section 1. **Name:** The corporate name of this city shall be SPOKANE.

Section 2. **Boundaries:** The boundaries of the city shall be the same as at present, and they may be changed in the manner provided by law.

Section 3. **Powers, Rights and Liabilities:** By and in the corporate name, the city shall have perpetual succession; shall have and exercise all powers, functions, rights and privileges now or hereafter given or granted to, and shall be subject to all the duties, obligations, liabilities and limitations now or hereafter imposed upon, municipal corporations of the first class, by the constitution and laws of the state of Washington; and shall have and exercise all other powers, functions, rights and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like character and degree.

Section 4. **Powers, How Exercised:** All power of the city, unless otherwise provided in this charter, shall be exercised by, through and under the direction of five commssioners, who shall constitute the council and one of whom shall be the mayor. The commissioners and council shall be subject to the control and direction of the people at all times, by the initiative, referendum and recall, provided for in this charter.

ARTICLE II.

ELECTIVE OFFICERS.

Section 5. **Officers, Election and Term of:** The elective officers of the city shall be the five commissioners, who shall be elected at large by the qualified electors. The term of all elective officers, except as otherwise provided herein, shall commence at twelve o'clock, noon, on the second secular day of January, following their election, and shall be for a period of four years and until their successors are elected and qualified. General municipal elections shall be held every two years, and at each alternative election, two or three commissioners, respectively, shall be elected.

The commissioners shall devote their entire time, during business hours, to the service of the city, and shall not hold any other public office during their term as commissioners.

Section 6. **Qualification.** No person shall be eligible to the office of commissioner or councilman unless he be a citizen of the United States, and of the state of Washington, and a resident of Spokane.

Section 7. **Salary:** Each commissioner shall be paid a salary of five thousand dollars per annum, in equal monthly installments.

Section 8. **Vacancies, How Arising:** The office of any commissioner or councilman shall be deemed vacant in case of failure to qualify within ten days after his election, or by reason of his death, resignation, removal from office, removal from the city, continuous absence from the city for more than six months, conviction of a felony or incompetency judicially declared.

How Filled: If any such vacancy occur (other than by recall or by resignation after recall petition is filed), the council shall appoint an eligible person to fill the same until the next municipal election, when the office shall be filled by election.

ARTICLE III.

COUNCIL AND LEGISLATION.

Section 9. **Organization of Council—Mayor:** At its first regular meeting, the council shall elect, by a majority vote, a president and a vice president. The president of the council shall be mayor of the city. He shall preside at all meetings of the council. In his absence or disability, the vice president shall perform the duties of president and mayor. In the absence or disability of both president and vice president, the other members of the council shall select one of their number to perform the duties of president and mayor. The council shall determine its own procedure.

Section 10. **Meetings:** All meetings of the council shall be public. It shall keep a journal of its proceedings, which shall be a public record. The council shall hold at least one legislative meeting each week, and shall hold meetings daily for the transaction of business.

At any meeting of the council, three members shall constitute a quorum, but a less number may adjourn from time to time.

The council shall provide by ordinance a means by which a minority may compel the attendance of absent members.

Section 11. **Voting Power:** Each commissioner shall be entitled to a vote. The mayor shall not have any veto power.

Section 12. **Form and Manner of Legislation:** All legislation and appropriations of money shall be by ordinance, save where there is a special fund created for a particular purpose; payments from such fund shall be made on order of the council. Every ordinance and resolution shall be in writing and read in full at a council meeting before a vote is taken thereon, and upon every such vote the yeas and nays shall be called and recorded.

Section 13. **Subject of Ordinance:** The subject of every ordinance shall be set out clearly in the title thereof, and no ordinance except one making appropriations shall contain more than one subject. Ordinances making appropriations shall be confined to the subject of appropriations.

Section 14. **Enacting Clause:** The enacting clause of all ordinances shall be in the words: "The City of Spokane does ordain."

Section 15. **Time of Passage—Appropriations—Emergency:** Every ordinance, other than emergency ordinances, shall have three public readings, not more than two of which shall be on the same day. At least three days shall elapse between the introduction and the final passage, except as otherwise provided in this charter.

Every ordinance appropriating money in excess of one thousand ($1000.00) dollars, and every ordinance and resolution authorizing the making of any contract involving a liability on the part of the city in excess of one thousand ($1,000.00) dollars, shall remain on file at least one week before its passage, except an emergency ordinance or resolution.

An emergency ordinance or resolution may be enacted without previous filing, provided it contains a statement of its urgency, and be passed by a four-fifths vote.

Section 16. **Ordinances—Signing and Attesting:** Every ordinance passed by the council shall be signed by the mayor or two councilmen, and attested by the clerk.

Section 17. **Ordinance—Publication Of:** Every ordinance shall be published once in THE OFFICIAL GAZETTE, hereinafter provided for, within ten days after its passage.

Section 18. **Ordinaces, Recording and Authentication:** Every ordinance after its enactment, shall be recorded in a book kept for that purpose, which record shall be attested by the clerk.

Section 19. **Ordinances, When Effective:** Ordinances making the annual tax levy and appropriation, ordinances relating to local improvements and assessments therefor, ordinances making appropriations, and ordinances containing a statement of their urgency shall take effect immediately upon their pasage. All other ordinances enacted by the council shall take effect thirty days after the date of their passage unless a later date is fixed therein, in which event they shall take effect at such later date.

Section 20. **Direct Legislation, When Effective:** Ordinances adopted by the electors of the city shall take effect at the time fixed therein, or, if no such time is designated therein, at the date of the adoption thereof.

Section 21. **Amendments and Repeals:** Amendments and repeals of ordinances or sections thereof shall be by ordinance. An amending ordinace shall contain the entire ordinance or section amended.

ARTICLE IV.

ADMINISTRATION OF CITY AFFAIRS.

Section 22. **Executive and Administrative Departments:** The executive and administrative powers, authority and duties, not otherwise provided for herein, shall be distributed among five departments, as follows:

(a) Department of public affairs.
(b) Department of finance.
(c) Department of public safety.
(d) Department of public works.
(e) Department of public utilities.

Such distribution among the various departments shall be made, and may be changed, by ordinance.

The council shall prescribe the powers and duties of officers and employees, may assign particular officers to one or more of the departments and may require an officer or employee to perform duties in two or more departments. The council shall make such rules and regulations as may be necessary and proper for the efficient and economical conduct of the business of the city.

Section 23. **Department Supervision:** At the first regular meeting after the election of any councilman the council shall designate one member to be commissioner in charge of each department, which designation may be changed, and a transfer of commissioners from one department to another be made, whenever it appears that the public service will be benefited thereby. The commissioner in charge of each department shall have the supervision and control of all the affairs and property which belong to his department, subject to the provisions of this charter and to such regulations as may be prescribed by the council.

Section 24. Officers, Power of Council Over: The council, after each general election, shall appoint a clerk, corporation counsel, city engineer, labor agent and purchasing agent. The council may remove any of said appointees at any time.

The council shall have power to create and discontinue all other offices and employments from time to time as occasion may require, but the appointment and removal of persons filling such offices and employments shall be as hereinafter provided (as amended by vote of the people Nov. 4, 1913, submitted under ordinance No. C1485).

Section 25. **Offices, Appointment and Removal of Heads of Subdivisions:** Each commissioner shall have power to appoint and remove the administrative heads of all subdivisions in his department; **Provided, however,** that the head of any subdivision shall not be

deprived, by any such removal, of the standing under the civil service provisions of the charter, which he may have had before his appointment as head of a subdivision.

Section 26. **Employees, Compensation:** The council shall fix the compensation of all officers, assistants and employees, and may change the same.

Section 27. **Duties of City Clerk:** The clerk shall perform the duties required by this charter and by the council; keep a record of the proceedings of the council, and of every matter and thing before, presented to, or acted upon by the council; certify all accounts ordered paid by the council; be the custodian of the official seal of the city, and affix the same to all documents when authorized so to do.

Section 28. **Corporation Counsel, Qualifications:** The corporation counsel shall be a member of the bar of the state of Washington, and shall have practiced law within the state of Washington not less than five years next preceding his appointment.

Section 29. **Corporation Counsel, Duties:** The corporation counsel shall be the legal adviser of the city officers; shall conduct all cases in court and all other actions and proceedings not in charge of special counsel, to which the city may be a party or in which it may be interested, and shall perform such other duties as may be required of him by the council. He shall keep a docket and record all cases and of the proceedings therein, shall keep copies of all official written communications, and shall deliver the same to his successor in office.

Section 30. **City Engineer, Qualifications:** No person shall be eligible to the position of city engineer, who has not been a civil engineer of practical experience for the period of five years next preceding his appointment.

Section 31. **Duties of Labor Agent:** The labor agent shall have charge of the free employment bureau of the city, shall ascertain the facts as to the payment of wages and compliance with hours of labor on all municipal work, and shall perform such other duties as the council may determine. He shall make a monthly report to the council.

Section 32. **Corporation Counsel, Assistants:** The corporation counsel shall have the power to appoint and remove his assistants.

Section 33. **Special Counsel:** The council at any time may employ other or special counsel to take charge of special matters or to assist the corporation counsel.

Section 34. **Oath of Office:** Every officer, before he enters upon the duties of his office, shall make and file with the clerk, an oath or affirmation to support the constitution of the United States, and of the state of Washington, and to perform faithfully, honestly and impartially the duties of his office.

Section 35. **Bonds of Officers and Approval Thereof:** Each commissioner or councilman shall furnish and file with the clerk a good and sufficient bond in the sum of twenty-five thousand ($25,000.00) dollars, for the faithful performance of his duties. Such other officers and employees as the council may determine by ordinance, shall furnish and file like bonds in the amounts fixed by such ordinances. The giving and approval of the bond of every appointive officer or employee required by ordinance to give bond shall be a necessary part of the qualification of such officer or employee. Upon approval by the council, the city shall pay a reasonable premium to a surety company for the execution of any bond required by this charter or by ordinance.

The bonds of the elective and appointive officers shall be approved by the council. All other bonds shall be approved by the mayor.

All bonds shall be approved, as to form, by the corporation counsel.

Section 36. **Officers or Employees Not to Be Interested in Contracts:** No officer or employee of the city shall solicit or receive any pay, commission, money or thing of value, or derive any benefit, profit or advantage, directly or indirectly, from or by reason of any improvement, alteration or repair required by authority of the city, or any contract to which the city shall be a party, except his lawful compensation or salary as such officer or employee. No officer or employee of the city, except as otherwise provided in this charter, shall solicit, accept or receive, directly or indirectly, from any public service corporation, or the owner of any public utility franchise in this city, any pass, frank, free ticket, free service or any other favor upon terms more favorable than those granted the public generally. A violation of any of the provisions of this section shall disqualify the offender to continue in office or employment and he shall be removed therefrom.

Section 37. **Advertising for Bids:** In all cases of work to be done by contract, or of the purchase of property of any kind, when the cost thereof exceeds one hundred ($100.00) dollars, unless the council by resolution shall declare an emergency, it shall advertise for bids in The Official Gazette. When such probable expenditure shall be less than one thousand ($1000.00) dollars in amount notice shall be given in at least two issues of The Official Gazette, and when more than one thousand ($1000.00) dollars in at least three issues. The council, however, may reject any and all bids; and nothing contained herein shall prevent the city from contracting for the doing of work with patented processes or from purchasing patented appliances. The council shall regulate the matter of making bids and letting contracts by ordinance. (As amended by vote of the people Nov. 4, 1913, submitted under Ordinance No. C1487.)

Section 38. **Contracts and Documents, Execution Of:** All written contracts, bonds and instruments of every kind and description to which the city shall be a party shall be executed in the name of the city, by the mayor or any councilman designated by the council for that purpose, and attested by the clerk, and when necessary shall be acknowledged.

Section 39. **Publicity Provisions—Official Gazette:** The council shall cause the clerk to print and issue each week a pamphlet entitled THE OFFICIAL GAZETTE, in which shall be published a summary of its proceedings during the preceding week. Within 10 days after the end of each calendar month there shall be printed in THE OFFICIAL GAZETTE a detailed statement of all receipts and disbursements during such preceding month, showing to whom payments were made and for what purpose, which statement shall be classified under the various subdivisions of the city government, and shall show the expense of each subdivision for the month, the total expense of each subdivision for the fiscal year to date, and the amount of the annual budget allowed for each subdivision.

All official and city matters which by this charter, or by order of the council, are, or may be required to be published, shall be published only in THE OFFICIAL GAZETTE, unless other publication is required by the laws of the state of Washington.

Nothing shall be published in THE OFFICIAL GAZETTE except such things as pertain strictly and wholly to the city's business. No political matter nor anything which advertises or calls special attention to any officer, employee or department of the city shall ever be published in THE OFFICIAL GAZETTE.

Copies of THE OFFICIAL GAZETTE shall be furnished to the state library, the public library of Spokane, the newspapers of Spokane and to all persons and corporations who apply therefor at the office of the clerk, or furnish postage for the mailing thereof.

Section 40. **Annual Audit of City's Books:** The fiscal year shall be the calendar year. At the end of each year the council shall cause a complete examination and audit of all books and accounts of the city to be made by a competent accountant, who shall not otherwise be an officer or employee of the city. The result of such examination and auditing and the general details thereof shall be published in THE OFFICIAL GAZETTE.

ARTICLE V.

PARKS AND PARK BOARD.

Section 41. **Park Board—How Created:** A park board is hereby created which shall consist of ten (10) electors of the city of Spokane, who shall be appointed by the council; and one member of the council to be designated by the council. The ten appointed members of the park board existing at the time of the adoption of this charter shall continue to serve respectively until the first Tuesday of February next preceding the expiration of their terms, as at present fixed, and until their successors are appointed. The council shall have power to remove any member for cause and to fill vacancies in the board.

Section 42. **Park Board—Term of Office:** The term of office of the 10 appointed members shall be 10 years, and the term of office of one member of said board shall expire each year on the first Tuesday of February at 12 o'clock noon.

Section 43. **Park Board—Removal From:** It shall be the duty of the council to remove from office any member, who, after due notice of the meetings of the board, shall be absent therefrom, without leave, for three successive months.

Section 44. **Park Board—Organization:**

(a) On the second Tuesday of February of each year the board shall elect a president and a vice president from its members, and a secretary, who may, or may not, be a member of the board.

(b) Six members of the board shall constitute a quorum for the transaction of business, and but six affirmative votes shall be necessary to adopt or carry any measure. The board shall have regular public meetings at least once a month, at their regular place of meeting.

(c) The board shall have power to make by-laws and rules for the conduct of its business.

Section 45. **Park Board—Accounts and Reports—Annual Statements:** The board shall keep books of account and records of all its transactions.

The board, at the end of each month and at the end of each fiscal year, shall furnish to the council a detailed report of receipts and expenditures and a statement of all other business transacted, which shall be published in THE OFFICIAL GAZETTE.

All records, books and files of the board shall be open to public inspection.

Section 46. **Park Board—Compensation:** No member of the board, unless he be secretary, shall receive any compensation. The compensation of the secretary shall be fixed by the board.

Section 47. **Office of Park Board:** Whenever there shall be suitable accommodations in the city building, the office of the park board shall be maintained therein.

Section 48. **Park Board—Powers:** The park board shall have power:

To lay out, establish, purchase, procure, accept and have the care, management, control and improvement of, all parks and grounds used for park purposes, all boulevards connecting parks and structures

thereon, and all parkways, now or hereafter owned or controlled by the city, whether within or without the city limits, and may designate them by name;

To lay out, establish and improve boulevards and parkways, and to designate as a boulevard or parkway any existing highway or part thereof, but the highway or part thereof so designated shall remain under the control of the council;

To exercise supervision over all shade trees, shrubs and plants of all kinds on or in the streets and public places of the city, and over all resting places, water stations, playgrounds and parade grounds;

To make rules and regulations for the use of parks and provide for the enforcement of such rules and regulations;

To prohibit or determine the place and manner of making excavations, and of placing or maintaining wires, pipes, poles, posts, masts and supports in parks or highways, and to compel the alteration or removal thereof at any time;

To improve and adorn parks and park property and do all things necessary or proper to render the parks or other property of value to the public;

To lease any property under its control, not needed for immediate improvement, for a term not to exceed three years, and to receive the rent and place the same in the park fund, to be used for park purposes.

In no case shall the expenditure of the park board exceed the amount donated or appropriated for park purposes.

Real and personal property may be granted, bequeathed or devised to the city and accepted by the park board, for park purposes, or for the establishment or maintenance in parks of museums, zoological or other gardens, collections of natural history, observatories, buildings, fountains, monuments, statues or other works of art, upon the trust and conditions prescribed by the donors thereof; and all such property, together with the income and profits thereof, shall be under the exclusive control of the bark board. All property acquired by the park board shall be in the name of the city.

Section 49. **Condemnation for Park Purposes:**

(a) If the board shall be unable to purchase at a satisfactory price any lands or other property for park purposes or be unable to make a satisfactory arrangement as to compensation, the council, upon notice given by the board, shall condemn the same at the expense of the park fund.

(b) Any property desired for park purposes in which any member of the park board or council may be interested, shall be acquired by condemnation proceedings. The petition for condemnation shall set forth the interest of such member.

Section 50. **Annual Levy for Support of Parks:** In order to maintain the parks and park system, and to provide for the expenses authorized by this article, the council shall levy each year and cause to be collected a tax of not less than ten cents upon each one hundred dollars of value of all the property within the city taxable for municipal purposes.

Section 51. **Disbursement of Park Funds:** All taxes levied for park purposes, as provided in this charter, all moneys realized from the sale of park bonds, all moneys appropriated by the council for park purposes or received by the park board from any other source, shall be turned into and kept in a fund designated The Park Fund and be deemed appropriated and shall be used exclusively for the purpose set forth in this article, and shall be expended upon the order of such officer or officers of the park board as may be selected by it for that purpose by resolution; copies of such resolution, duly certified, shall be filed with the commissioner of finance. Said moneys shall be paid out by the treasurer upon warrants signed by the auditor.

ARTICLE VI.

CIVIL SERVICE.

Section 52. **Commission, Creation Of:** There is hereby established a civil service commission, which shall consist of three members, who shall be appointed by the council, and shall serve without compensation, and whose term of office shall be for six years, except as herein next provided. The council first elected under this charter, as soon as practicable after its election, shall appoint one member of said commission to serve for two years, one member to serve for four years, and one member to serve for six years. Any vacancies in the commission shall be filled by the council for the unexpired term.

Section 53. **Commission, Rules and Powers:** The commission, with the approval of the council, shall make such rules and regulations for the proper conduct of its business as it shall find necessary and expedient. The commission, among other things, shall provide for the classification of all employees, except day laborers and the appointive offices mentioned in sections twenty-four (24), twenty-five (25) and thirty-two (32) of this charter; for open competitive and free examination as to fitness; for an eligibility list from which vacancies shall be filled, for a period of probation before employment is made permanent; and for promotion on the basis of merit, experience and record.

Employees within the scope of this article who are in office at the time of the adoption of this charter shall retain their positions, unless removed for cause.

The council may, by ordinance, confer upon the commission such further rights and duties as may be deemed necessary to enforce and carry out the principles of this article.

Section 54. **Preference in Employment:** Every officer and male employee of the city shall be a citizen of the United States and a resident of Spokane. Qualified electors shall be employed in preference to non-electors, and married men and men of family in preference to unmarried men, and such preference shall extend to ranking upon the eligibility list of the commission: Provided, however, that this section shall apply only to day laborers and to positions coming within the provisions of this article and shall not apply to positions requiring technical skill or scientific knowledge.

Section 55. **Removals:** Any employee may be suspended by the head of the department under which he is employed and thereupon his salary shall cease. The officer making the order shall forthwith file with the civil service commission a statement of the suspension and the reasons therefor. Within ten days after his suspension the employee so suspended may file an appeal with the civil service commission, who shall hold an inquiry within ten days after the filing of the appeal and shall make decision within ten days after the hearing, whether the employee shall be dismissed or reinstated in his employment. All such hearings shall be public. The decision of the commission shall be final.

Section 56. **Commission, Rules and Regulations:** The commission shall have power to make proper rules and regulations for the conduct of its business.

ARTICLE VII.

ELECTIONS.

Section 57. **Municipal Elections:** A municipal election shall be held on the first Tuesday after the first Monday in November, 1913, and on the first Tuesday after the first Monday in November on each second year thereafter, which shall be known as the General Municipal Election. All others shall be known as Special Municipal Elections:

Provided, that the first general election under this charter shall be held on the first Tuesday after the first Monday in March, 1911, for the purpose of electing five councilmen, of whom the three who receive the highest votes shall hold office until the second secular day of January, 1916, and the other two shall hold office until the second secular day of January, 1914; such elected officers shall assume office the first Tuesday after the election, at 10 o'clock A. M.

Section 58. **Manner of Nomination of Officers:** The manner of nomination of all elective officers shall be by petition.

(a) **Nomination Petitions, Certificates:** The petition for the nomination of each candidate shall consist of not less than 25 individual certificates. Each certificate shall be of uniform size, to be determined by the clerk, shall be signed and verified by one elector, and shall contain the name of only one candidate.

If an elector sign more certificates than there are offices to be filled, all of his certificates shall be rejected.

(b) **Form of Certificate:** The form of the certificate shall be substantially as follows:

INDIVIDUAL NOMINATION CERTIFICATE.

I do hereby join in a petition for the nomination of....., whose residence is at No. ..... street, Spokane, for the office of....., to be voted for at the municipal election to be held in the city on the.....day of....., 19.....; and I certify that I am qualified to vote for candidates for said office, and am not at this time a signer of more certificates nominating candidates for city elective offices than there are offices to be filled; that my residence is at no. ..... street, Spokane, and that my occupation is.....

(Signed).....

STATE OF WASHINGTON, }
County of Spokane, } ss.

....., being first duly sworn, deposes and says that he is the person who signed the foregoing certificate, and that the statements therein are true.

(Signed).....

Subscribed and sworn to before me this.....day of....., A. D. 19.....

.....

Notary Public, Residing at Spokane, Washington.

The petition of nomination of which this certificate forms a part, if found defective shall be returned to..... at No..... street, Spokane.

(c) **Filing Petitions:** The petition, consisting of at least 25 sufficient certificates, shall be presented to the clerk for filing not earlier than 40, and not later than 30, days before the election. The clerk shall examine the petitions forthwith and shall endorse thereon the date of its presentation and by whom presented. If the petition be sufficient, he shall file the same at once.

(d) **Amendment of Petition:** If, upon examination by the clerk, the petition be found not to conform to the provisions of this article, he shall state immediately in writing on said petition why it cannot be filed. He shall then, within three days, return the defective petition, personally or by mail, to the person designated for that purpose therein. Within five days of its return by the clerk, the petition may be amended and again presented for filing. The procedure in the case of an amended petition shall be the same as in the case of an original petition.

(e) **Nominee's Acceptance:** Any person nominated under this article shall file his acceptance with the clerk not later than twenty (20) days before the day of election; and in the absence of such acceptance, the name of the candidate shall not appear on the ballot. Such acceptance shall be substantially in the following form:

County of Spokane,
STATE OF WASHINGTON, } ss.

I, ..., having heretofore been nominated for the office of.....of the city of Spokane, do hereby accept said nomination. I am not a candidate as the nominee or representative of, or because of any promised support from, any political party, or any committee or convention representing or acting for any political party or organization.

(Signed).....

Subscribed and sworn to before me this.....day of....., A. D. 19.....

.....

Notary Public, Residing at Spokane, Washington.

(f) **Withdrawals:** Any person who has filed such acceptance may withdraw his name from nomination at any time before the election, by written notice to the clerk.

(g) **Forms Supplied by the Clerk:** It shall be the duty of the clerk, upon application, to furnish a reasonable number of forms of such individual certificates, and of acceptance, or rejection of nomination.

(h) **Preservation of Nomination Petitions:** The clerk shall preserve in his office, for a period of four years, all papers relative to nominations.

Section 59. **Publication of Lists of Candidates:** The clerk, on the 15th day before every election, shall prepare and file in his office a certificate containing a complete list of the offices to be filled, stating whether for a full or an unexpired term, and the candidates for each office who are entitled to have their names appear upon the ballot. The clerk shall cause to be published, in all succeeding issues of THE OFFICIAL GAZETTE before the day of election, an election notice, which shall contain a copy of the certificate above described, and also the time and places of holding such election. A copy of such notice shall be posted at all polling places seven days before the day of election. But the notice of the first election to be held under this charter shall conform to the legal requirements for the same at the time of the adoption of this charter.

Section 60. **Ballots, Preparation and Form:** The clerk shall cause ballots for each general and special election to be prepared, printed and authenticated. The ballots shall contain a complete list of the offices to be filled and the names of the candidates nominated therefor. When the number of candidates is more than three times the number of offices to be filled, the form of ballot shall be substantially as follows:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF SPOKANE (Inserting Date Thereof).

INSTRUCTIONS.

To vote for any person mark a cross (X) in a square to the right of the name.

VOTE FIRST CHOICE FOR FIVE (or other proper number) candidates, or ballot will be void. Second and third choice is NOT COMPULSORY.

Vote only FIVE (or other proper number) FIRST CHOICES, and only FIVE (or other proper number) SECOND CHOICES.

Vote as many third choices as you wish.

Vote your FIRST CHOICES in the first column.

Vote your SECOND CHOICES in the second column.

Vote in the THIRD COLUMN for all the OTHER CANDIDATES whom you WISH TO SUPPORT.

DO NOT VOTE MORE THAN ONE CHOICE FOR ANY ONE CANDIDATE, as only the one choice will count.

All distinguishing marks make the ballot void.

If you wrongly mark, tear or deface this ballot, return it and obtain another from the election officers.

(Insert number) COMMISSIONERS TO BE ELECTED.

City Commissioners	First Choice	Second Choice	Additional Choices
Names of Candidates.			

(Charter amendments, ordinances, or other referendum matters to be voted upon to appear here.)

When the number of candidates is more than two times the number of offices to be filled, and not more than three times the number of offices to be filled, the ballots shall give first and second choice columns only; and the instructions to voters on the ballots shall be modified correspondingly.

When the number of candidates is not more than two times the number of offices to be filled, only one column for marking votes shall appear; and the instructions to voters on the ballot shall be modified correspondingly.

Section 61. **Requirements of Ballots:** All official ballots used at any election shall be identical in form. Space shall be provided on the ballot for charter amendments or other questions to be voted upon at municipal elections. The names of candidates shall be arranged in alphabetical order of surnames. Nothing on the ballot shall be indicative of the source of the candidacy, or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any party or political designation or mark, or anything indicating his views or opinions.

Section 62. **Sample Ballots:** The clerk, at least 10 days before the election, shall cause to be printed not less than 2000 sample ballots, upon paper of different color, but otherwise identical, except numbering, with the ballot to be used at the election, and shall distribute the same to registered voters at his office. Sample ballots shall be posted at the polls on election day.

Section 63. **Canvass of Returns and Determination of Results of Elections:**

(a) As soon as the polls are closed, the precinct election officers shall open the ballot boxes, take therefrom and count the ballots, and enter the total number thereof on the tally sheets provided therefor. They then shall count and enter the number of the first, second and third choice votes for each candidate on said tally sheet and make return thereof to the clerk, as provided by law.

(b) If a ballot contain more than one vote for the same candidate, only the one of such votes highest in rank shall be counted. All

ballots shall be void which do not contain first choice votes for as many candidates as there are offices to be filled. If a ballot contain either first or second choice votes, in excess of the number of offices to be filled, no vote in the column showing such excess shall be counted.

(c) The foregoing portion of this section shall be printed conspicuously on the tally sheets furnished by the clerk to the election officers.

(d) Candidates receiving a majority of first choice votes for any office shall be elected. If the full number of candidates to be elected do not receive such a majority of the first choice votes for such office, a canvass shall then be made of the second choice votes received by those candidates for said office who are not elected by first choice votes; said second choice votes shall be added to the first choice votes received by such candidates, and candidates who, by such addition shall receive a majority, shall be elected.

e) If by the count of either first choice votes, or first and second choice votes, as above provided, more candidates than there are offices to be filled shall receive a majority, the candidate or candidates, equal in number to the number of offices to be filled, having the highest vote shall be elected.

(f) If the full number of candidates to be elected do not receive a majority by adding first and second choice votes, as above directed, a canvass shall then be made of the third choice votes received by those candidates for said office who are not elected, either by first choice votes or by adding first and second choice votes, said third choice votes shall be added to the first and second choice votes received by such candidates, and the candidates, equal in number to the number of offices remaining to be filled, who receive the highest number of votes by said addition, shall be elected.

(g) A tie between two or more candidates shall be decided in favor of the one having the highest number of first choice votes. If they are also equal in that respect, then the highest number of second choice votes shall determine the result. If this does not decide, then the tie shall be determined by lot, under the direction of the canvassing board.

(h) Whenever the word "majority" is used in this section, it shall mean more than one-half of the total number of ballots cast at such election.

Section 64. **Informalities in Election:** No informalities in conducting municipal elections shall invalidate the same, if they be conducted fairly and in substantial conformity with the requirements of this charter.

Section 65. **Expenditure of Money on Elections:**

(a) All expenditure of money in aid of the election of candidates, except for holding public meetings and printing and distributing literature, is prohibited, and the total expenditure on behalf of any one candidate, whether directly or indirectly, and whether by himself alone or not, shall not exceed two hundred and fifty ($250.00) dollars.

(b) No candidate or any other person, association or organization on his behalf, directly or indirectly, shall pay or cause any person to be paid, in cash or by any other material inducement, for work for his election at the polls on election day. No candidate shall directly hire, use or cause to be hired in aid of his candidacy, on the day of the municipal election, any automobile, carriage or other vehicle for the purpose of transporting voters to or from the polls.

(c) A violation of any of the provisions of this section by any candidate or by any person, association or organization in his behalf, shall disqualify him from holding the office for which he is a candidate.

(d) Every elective officer at the time he takes his oath of office shall make and file with the clerk an oath that he has not violated any of the provisions of this section, which oath shall enumerate specifically the prohibitions in this section, and shall contain a complete itemized statement of expenditures of money, or of the giving of any other consideration or promise, by him or by any other person in his behalf in such election.

(e) If any person, directly or indirectly, shall pay, or cause any person to be paid, in cash or by other material inducement, for work for any candidate at the polls on election day, he shall be guilty of a misdemeanor; and the council shall provide by ordinance for the enforcement of this provision by suitable penalties.

Section 66. **General Election Regulations:** The provision of any state law, now or hereafter in force, relating to the qualifications and registration of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other provisions with respect to the management of elections, except as otherwise provided in this charter, so far as they may be applicable, shall apply to all municipal elections.

ARTICLE VIII.

RECALL OF ELECTIVE OFFICERS.

Section 67. **Scope of Recall:** The holder of any elective office, whether elected or appointed thereto, may be removed therefrom by recall.

Section 68. **Petition:** The recall shall be instituted by filing with the clerk a certified, written petition requesting such removal, signed by qualified electors of the city, and stating the residence of each signer thereto.

Section 69. **Form of Petition:** The form of the petition shall be substantially as follows:

To the Council of Spokane:

We, the signers hereto, qualified electors of the City of Spokane, request the removal of (name of incumbent of elective office sought to be removed to be inserted) from the office of (name of the office to be inserted).

Name: Residence (street and number.)

....

....

....

STATE OF WASHINGTON, } ss.
County of Spokane, }

(Name of petitioner to be inserted here), being first duly sworn, says that he is one of the signers of the foregoing petition; that the statements made therein are true, and that each signature appended thereto is the genuine signature of the person whose name it purports to be, as he verily believes.

(Petitioner sign here.)

.....

Subscribed and sworn to before me this.....day of....., 19.....

.....

Notary Public, Residing at Spokane, Washington.

Section 70. **Various Papers, Verifications, Filing:** The petition may consist of one or more papers circulated separately, and the sig-

natures thereto may be upon the paper or papers containing the formal petition or upon other papers attached thereto. The verification may be made by one or more petitioners, and the several parts of the petition may be verified sparately and by different persons. All papers and documents comprising a single petition shall be filed with the clerk on the same day and the clerk shall notify immediately in writing the officer sought to be removed.

Section 71. **Objections to Petition:** Within ten days after the date of the filing of the petition, the incumbent whose removal is requested, shall file in writing with the clerk his objections, if any, to the sufficiency of such petition, and he can not thereafter contest its sufficiency upon any objection not so filed. Such objection shall be specific, and shall set forth the reasons for each objection, and no general objection to the qualifications of the signers of such petition shall be sufficient. If the result of the election be adverse to the incumbent, all defects in the petition shall be cured thereby.

Section 72. **Certificate of Clerk:** Within two days after the date of the filing of the petition, the clerk shall certify the number of votes cast at the last general municipal election, and the number of signers to such petition, and present such petition and certificate to the council.

Section 73. **Amendment of Petition:** If the petition be insufficient in any respect, it may be withdrawn by the person filing it, and amended as many times as desired, within forty days of the original filing. The duty of the clerk shall be the same with respect to any amended petition as upon the original petition.

Section 74. **Calling of Election: Twenty Per Cent Petition:** If a petition be signed by qualified electors in number equal to twenty per centum of the total number of votes cast at the last preceding general municipal election, the council, within seven days after the final certification by the clerk, unless the incumbent sought to be removed resign within five days after such final certification, shall order a special election to be held, on a date fixed in such order, not less than forty days nor more than fifty days from the date of such final certification: Provided, that if any election is appointed to occur within sixty days from said final certification, the recall election shall be held at the same time as such other election.

Fifteen Per Cent Petition: If the petition is signed by qualified electors in number equal to fifteen per centum of the total number of votes cast at the last preceding general municipal election, the council, within seven days after the final certification by the clerk, unless the incumbent sought to be removed resign within five days after such final certification, shall order and fix the election upon the date of the next municipal election: Provided, that not less than forty days shall elapse between the date of the final certification of the recall petition by the clerk and the said municipal election.

Section 75. **Incumbent, a Candidate Without Nomination:** At such election the incumbent shall be a candidate without nomination, unless he file written notice to the contrary with the clerk before the ballots are printed.

Section 76. **Manner of Nominations and Elections:** The procedure for nominations and elections shall be the same as in general municipal elections.

Section 77. **Result of Elections:** If the incumbent shall not be re-elected, his tenure of office shall terminate upon the determination of the result of the election by the canvassing board. His successor shall qualify for office immediately thereafter, and shall hold office for the unexpired term.

Section 78. **Disqualification of Recalled Officers:** An officer removed from office by recall election or who shall resign from such

office pending recall proceedings against him, shall not be appointed to any city office or employment within two years after such removal or resignation.

Section 79. **Joinder of Several Officers in Petition:** Two or more elective officers may be joined in one petition for removal.

Section 80. **Vacancy After Election Ordered:** If a vacancy occur in the office after a removal election has been ordered, the election shall nevertheless be held as in this article provided.

ARTICLE IX.

LEGISLATION BY THE PEOPLE.

Section 81. **General Power:** The people of Spokane, in addition to the method of legislation hereinbefore provided, shall have power of direct legislation by the Initiative and the Referendum.

Section 82. **The Initiative:** The initiative shall be exercised in the following manner:

(a) **Petition:** A petition signed by qualified electors of the city, accompanied by the proposed legislation or measure in the form of a proposed ordinance, and requesting that such ordinance be submitted to a vote of the people, if not passed by the council, shall be filed with the clerk.

(b) **Clerk's Certificate:** Within two days from the filing of such petition the clerk shall certify the number of votes cast at the last general municipal election, and the number of signers of such petition, and shall present such certificate, petition and proposed ordinance, to the council.

(c) **Action by Council Upon Petition: Fifteen Per Centum Petition:** If such petition be signed by qualified electors in number equal to 15 per centum of the total number of votes cast at the last preceding general municipal election, the council, within 10 days after the receipt thereof, except as otherwise provided in this charter, shall either pass such ordinance without alteration, or submit it to popular vote at a special election which must be held within 30 days after the date of the ordering thereof: Provided, however, that if any other municipal election is to be held within 60 days after the filing of the petition, said proposed ordinance shall be submitted without alteration to be voted upon at such other election.

Less Than Fifteen Per Centum Petition: If such petition be signed by qualified electors in number equal to five, and less than 15, per centum of the total number of votes cast at the last preceding general municipal election, and the said proposed ordinance be not passed by the council without alteration, before the commencement of publication of notice of the next municipal election, it shall be submitted to popular vote at such election: Provided, however, that such petition must be filed at least 30 days before the date fixed for such election.

Section 83. **Referendum:** If, prior to the date when any ordinance shall take effect, a petition signed by qualified electors equal in number to 10 per centum of the entire vote cast at the last preceding general municipal election, shall be filed with the clerk, protesting against the enactment of such ordinance, it shall be suspended from taking effect. Immediately upon the filing of the petition the clerk shall do all things required by section eighty-two (82) (b) of this article. Thereupon the council shall immediately reconsider such ordinance, and, if it do not entirely repeal the same, shall submit it to popular vote at the next municipal election; or, the council, in its discretion, may call a special election for that purpose; and such ordinance shall not take effect, unless a majority of the qualified electors voting thereon at such election shall vote in favor thereof.

Section 84. **Submission by Council:** The council, of its own motion, may submit to popular vote for adoption or rejection at any election, any proposed ordinance or measure, in the same manner and with the same force and effect as provided in this article for their submission on petition.

Section 85. **Form of Ballots:** The ballots used when voting upon such proposed and referred ordinances or measures, shall set forth their nature sufficiently to identify them, and shall also set forth on separate lines, the words "For the Ordinance," and "Against the Ordinance."

Section 86. **Publication of Ordinances: Notice of Election:** The clerk shall publish every proposed or referred ordinance in each number of THE OFFICIAL GAZETTE issued within 15 days before the date of the election; and shall give such other notices and do such other things relative to such election, as are required in general municipal elections.

Section 87. **Adoption of Ordinances:** If a majority of the qualified electors voting on any proposed ordinance or measure shall vote in favor thereof the same shall thereupon, or at a time fixed therein, become effective as a law or as a mandatory order to the council.

Section 88. **Inconsistent Ordinances:** If the provisions of two or more proposed ordinances approved at the same election are inconsistent, the ordinance receiving the highest vote shall prevail.

Section 89. **Repeal or Amendment of Ordinances Passed by the People:** No ordinance which has been passed by the council upon a petition, or adopted by popular vote, under the provisions of this article, shall be repealed or amended, except by popular vote.

Section 90. **Number of Elections:** There shall not be held under this article more than one special election in any period of six months.

Section 91. **Regulations by Council:** The council, by ordinance, may make other and further regulations for carrying out the provisions of this article not inconsistent herewith.

ARTICLE X.

LOCAL IMPROVEMENTS.

Section 92. **Local Improvements—Powers in Respect to:** The city of Spokane shall have power to create, provide for, construct, maintain, and do, directly by the employment of labor under the supervision of the city, or by contract, local improvements and all things of the nature of local improvements, which by the laws of Washington are made, or may be made, chargeable by special assessments upon the property specially benefited thereby, or which not being prohibited by the laws of Washington, without permissive legislation, may inhere in, or pertain to, or belong to, municipal corporations. It also shall have power to provide for the payment of the whole or any part of the cost of any such thing by special assessments upon the property specially benefited thereby. The amount assessed to the property specially benefited, to pay for anything of the nature of local improvements authorized by this section, shall not exceed, but may equal, the amount of benefits received by such property.

The city shall have power to do any of the things, in this section authorized, at a cost in excess of the value of the benefits received by the property to be assessed therefor, whenever it is provided that such excess shall be paid out of the general funds of the city, and to do and pay for the whole of such things from such general funds.

Section 93. **Vote Necessary to Order Local Improvements:** If the owners of, or the legal representatives of the owners of, one-half of the property subject to assessment for any local improvement, file

a petition with the council requesting that any local improvement be made, the council, by a majority vote of the whole council, may order such improvement. Without such petition a four-fifths vote of the whole council shall be necessary to order such improvement.

Section 94. **Irregularities in Procedure:** Any irregularities whatsoever in any proceedings or act relating to the authorizing or directing of any local improvements which may occur prior to the confirmation of the assessment roll, shall not affect the validity of such proceedings or act, unless specific objections are filed with the clerk in the manner and at the time required by the general ordinance which shall be enacted in pursuance of the power given in this article.

If any objection, to any of the proceedings or acts prior to the confirmation of the assessment roll is filed, the council may correct the alleged irregularity or defect by an ordinance passed in the manner and by the vote required in section ninety-three (93) hereof, and thereby may validate the ordering of said improvement.

The council may continue the hearing upon any assessment roll to permit the amendment or correction of the petition or of any irregularity or omission.

Any irregularity in the petition for an improvement shall be immaterial when the ordinance ordering the improvement has been passed by a four-fifths vote of the council.

ARTICLE XI.

FRANCHISES.

Section 95. **No Exclusive Franchise** shall ever be granted.

Section 96. **Term:** Franchises for steam railroad and electric interurban lines may be granted for such term of years as the council by a four-fifths vote may decide. No other franchise shall be granted for a longer period than 25 years.

Section 97. **Further Limit on Terms of Franchises:** Every street railway franchise hereafter granted to connect with any existing street railway franchise shall expire at the same time as the existing franchise; and every renewal, continuance or extension of existing franchises or grant of new franchises to succeed expiring franchises upon the same streets, in whole or in part, shall be so limited as to expire on the same date as the longest unexpired term of any franchise then held by the grantee. The object and purpose of this provision is that all franchises to a single grantee or assigns shall finally expire at the same time.

Section 98. **Renewals:** No franchise shall be renewed earlier than three years prior to its expiration.

Section 99. **Location to Be Specified:** Franchises for railroad, street railway and for power lines in excess of 30,000 volts shall specify plainly the streets or other public places or parts thereof to which they apply, and any other franchises shall state the bounds of the district or districts in which they shall be exercised.

The council shall have the power, no matter whether or not it is specified in any franchise, to regulate by ordinance the placing of wires carrying electricity so that they may have the least possible menace to workmen thereon or to the public.

Section 100. **Publication:** Proposed ordinances for the grant of franchises shall be filed with the clerk and published once a week for four successive weeks in THE OFFICIAL GAZETTE before they shall be placed on first reading by the council. No proposed ordinance granting any franchise shall be placed upon final passage within 30 days after its first reading.

Section 101. **Referendum of Franchises:** All franchise ordinances, except as otherwise provided by state law shall be subject to referendum under the general provisions of this charter.

Section 102. **Compensation to City:** No franchise shall be granted without provision for proper compensation to the city therefor. Whenever the gross earnings of the grantee or assigns from the use of a particular franchise within the city are susceptible as ascertainment, the compensation shall be fixed at not less than 1 per cent of the gross earnings. When the gross earnings of and from the use of any particular interurban, electric or street railway franchise within the city are incapable or difficult of ascertainment the council shall adopt such other mode of determining the compensation to be paid by such grantee or assignee as it shall determine to be reasonable and just; but such compensation for such interurban, electric or street railway franchise shall not in any event be less than two mills per car mile. The provisions of this section shall not apply to steam railroads.

Section 103. **Compensation for Use of Bridges:** All franchises for street or interurban railroads hereafter granted shall provide that any such railroad shall pay to the city a sum not less than five per centum (5 per centum) per annum, so long as such franchise shall exist or be used, on one-third of the cost of any city bridge over which said franchise shall extend.

In the event any application is made for a franchise over a bridge not yet built or completed, the council shall make an estimate of the cost of such bridge and such estimate shall be the basis of computation for fixing the amount to be paid for the franchise over such bridge.

Section 104. **Improvement of Streets by Railways:** Every street railway franchise shall contain a provision requiring the grantee thereof or its successors, to improve and pave, repave, grade and regrade, and keep in repair all the space in any street, alley, or other public place, between the outer rails of the track or tracks and for two feet on each side thereof, in the manner required by the council, within thirty days after the street, alley or public place shall be improved, and to sprinkle the same whenever required by the council.

Section 105. **Free Transportation:** Every street railway franchise shall conatin a provision that policemen and firemen of the city and United States mail carriers, when in uniform and in the discharge of their duty, shall be carried free and with the rights of passengers.

Section 106. **Right of Use by City:** All franchises granted to any company for the erection of poles or masts on or along the streets or other public places of the city, for the conduct of electricity or for any telegraph or telephone purposes, shall contain a condition and stipulation that the upper arm of all such poles or masts, now erected or to be erected under any existing franchise in the city, shall be for the exclusive use of the city; and that any franchise granting the right to construct conduits in or under such places for said purposes, shall contain a provision that a reasonable portion, to be definitely stated in the ordinance granting the franchise, shall be reserved for the exclusive use of the city.

Section 107. **Conditions of Franchises:** The grant of every franchise shall be made expressly subject to the condition that the council shall have the right with respect to any such franchises so granted:

(a) To hear and determine what are just, fair, and reasonable rates, fares, and charges for public service, and to order that only reasonable charges shall be imposed, and to make effective such order by penalties and forfeitures. The granting of a franchise shall not be deemed to confer any right to include in the charge for any service any return upon the value of the franchise or grant.

(b) To require the elevation or depression of the tracks of railroads or street railways, or the placing under ground of wires, when-

ever such action is necessary, in the interests of public safety or convenience.

(c) To require reasonable extensions of any public service system.

(d) To make such rules and regulations as may be required to secure adequate and proper service, and to provide sufficient accommodations for the public.

When any person or corporation against whom any order is directed under the provisions of subdivisions (a), (b), (c) or (d) hereof shall believe such order to be unjust or unreasonable, he or it may test its justice or reasonableness by a proper action in the courts, commenced within thirty days after service of such order, and in such action such order may be entered in the premises as shall be warranted by the facts developed upon the trial and the law applicable thereto.

Section 108. **Interchangeable Transfers:** The council shall have the power to insert in any street railway franchise the right to enforce a system of interchangeable transfers, which enforcement shall be subject to judicial review as provided in section one hundred and seven (107).

Section 109. **Reports by Owners of Franchises:** The city shall require every person or corporation operating under a franchise or grant from the city, to submit to the council within sixty days after the first day of January of each year, an annual report, verified by the oath of such person or the president, treasurer or general manager of such corporation. Such reports shall contain such detailed information and cover such period as may be prescribed by the council by ordinance. The council shall have the power, either through its members, or by experts or employees duly authorized by it, to examine the books and affairs of any such person, persons or corporation, and to compel the production of all books and papers pertaining to such report or other matters. Any such person, persons, or corporation who shall fail to make any such report, or refuse to permit such examination, shall be liable to a penalty of one hundred ($100.00) dollars and an additional penalty of one hundred ($100.00) dollars for each and every day during which he or it shall fail to file such report or refuse to permit such examination, to be sued for and recovered by the city in any court having jurisdiction.

Section 110. **Franchise Not to Be Capitalized:** Ordinances granting franchises shall contain provisions prohibiting any corporation holding any franchise from issuing any capital stock on account of the franchise or the value thereof. Conditions shall be inserted in all such ordinances that the grantee shall have no right to receive upon a condemnation proceeding brought by the city to acquire the public utility using such franchise any return on account of the franchise or its value.

Section 111. **Transfer of Franchises:** No sale or lease of any franchise granted by the city shall be effective until the assignee, or lessee, shall have filed in the office of the clerk an instrument, duly executed, reciting the fact of the sale or lease, accepting the terms of the franchise affected, and agreeing to perform all the conditions required of the grantee thereunder. The assignee or lessee also shall file a bond in such amount and with such conditions as the council may require, which bond shall run to the city as obligee, with sureties satisfactory to the council, and shall obligate the grantee, or lessee, to discharge all obligations and liabilities imposed upon the grantee by the franchise.

Section 112. **Common User Provisions:** Every franchise shall provide that the franchise and all things constructed thereunder, other than rolling stock and power, shall be subject to common use by any other grantee or assignee of any other franchise, whenever there shall

be necessity therefor, upon payment or tender of compensation for such use. The question of necessity, compensation and all other questions relating thereto shall be judicial questions, but no judicial proceeding shall suspend or postpone such use if the person or corporation desiring such common use shall deposit in the court such sum as the court, in a preliminary hearing, may determine. (As amended by vote of the people Nov. 4, 1913, submitted under Ordinance No. C1484.)

Section 113. **Forfeiture of Franchises:** All franchises and privileges and parts thereof heretofore granted by the city, which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise at the time of the adoption of this charter, are hereby declared terminated, forfeited and of no validity, and if, for any legal reason, it shall be necessary to effect such repeal by ordinance, it shall be the duty of the council to carry out the provisions of this section by the enactment of ordinances repealing said franchises. This section shall not apply to any franchise in which the ordinance granting the same shall have fixed a time within which work shall commence or be completed thereunder and such time shall not have expired at the time of the adoption of this charter. The provisions of this section shall not apply to electric light, electric power, telephone, telegraph or gas franchises.

Section 114. **Construction of This Article:** The enumeration and specification of particular matters which must be included in every franchise granted shall not be construed to impair the right of the city to insert in such franchises such other and further conditions and restrictions as the council may deem proper to protect the city's interests.

ARTICLE XII.

MISCELLANEOUS.

Section 115. **Claims for Injuries:** All persons having claims for damages for personal injuries or for injuries to property sustained by reason of alleged negligence or any act of the city, or any officer, agent, servant or employee of the city, must present such claims to the council within 30 days after such injury or damage. They must be in writing and verified, and must state the time when and the place where such injury was received or happened, the cause, nature and extent thereof, the amount of damage sustained, the amount for which the claimant will settle, a statement of the actual residence of the claimant by street and number at the date of presenting and filing the claim, and the actual residence of such claimant for six months immediately prior to the time such claim for damages accrued.

If any injury is alleged to have been caused by the existence of snow or ice on any street, highway, bridge, culvert, crosswalk or other public place, or by reason of any such place being out of repair, unsafe, dangerous or obstructed from any cause or in any manner, the claim for any such alleged damage or injury must be filed with the clerk within 10 days after the date of said injury or damage, and must state the nature and location of the place where said alleged accident occurred.

If the claimant is physically or mentally unable to present such claim within the time aforesaid, it may be presented and filed by some one in his behalf.

Failure to present such claim in writing, duly verified in the form, manner and time aforesaid, shall bar any action against the city for such alleged damage or injury.

Section 116. **Liability of Owner of Abutting Property:** In case any injury or damage to any person shall be caused by the defective condition of any sidewalk, or by ice or snow thereon, or by lack of

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proper guards or railings on or along the property abutting on any public way, the abutting property where the injury or damage occurs, and the owner or owners thereof, shall be liable to the city for all damage, injuries, costs and disbursements which it may be required to pay to the person injured.

Section 117. **Power to Subpoena Witnesses:** The council shall have the power to enforce the attendance of witnesses and the production of all books, papers, documents and files, and to administer oaths in all matters relating to the administration of city affairs or business.

Section 118. **Municipal Construction Plants:** The city shall have power to construct and acquire in any legal way and to maintain and operate works, plants, and facilities for the purpose of doing any and all municipal work by the direct employment of labor under the supervision of the city, and may use such works, plants, and facilities and the product thereof for the purpose of doing municipal work of all kinds, and shall have the power to sell such product for use in the construction of municipal improvements of all kinds. It shall have power to pay for the whole or any part of any local improvement constructed or done by the city directly under the provisions of this section, by assessments against the property benefited thereby.

Section 119. **Continuation of Ordinances:** Every ordinance and resolution in force at the time of the adoption of this charter, except in so far as it is inconsistent with this charter, shall continue in force until amended or repealed.

All rights and obligations in favor of and against the city existing at the time of the adoption of this charter shall continue without modification.

Section 120. **Continuation of Existing Government and Offices:** The government and offices existing prior to the adoption of this charter, shall continue until the election and qualification of officers first elected under this charter at the general election in March, 1911.

The provisions of this charter with reference to elections, recall of elected officrs, direct legislation and charter amendments shall be in force from the date of the adoption of this charter. All other provisions of this charter shall become effective on the assumption of office by the commissioner first elected hereunder.

ARTICLE XIII.

MUNICIPAL INDEBTEDNESS.

Section 121. **Power to Incur Indebtedness:** The city may borrow money and become indebted in any legal way, subject, as to the amount and the manner of incurring indebtedness, to the provisions and limitations of the constitution and laws of the state and of this charter; and, subject to the same provisions and limitations, the city may issue bonds to secure any existing or contemplated indebtedness.

Section 122. **Power of Council:** When a popular vote is not required by law, the council by ordinance may authorize any indebtedness and the issuance of bonds.

Section 123. **Indebtedness by Popular Vote:** If a popular vote is required by law, the proposal to incur indebtedness or to issue bonds, or both of them, shall be submitted in the form of an ordinance to popular vote at any general or special election.

Prior to any such election, notice thereof shall be published in at least three issues of THE OFFICIAL GAZETTE next preceding the date thereof.

If such indebtedness or bond issue be authorized at said election the council at once shall enact an ordinance reciting the facts as to

such election and providing for the incurring of any indebtedness and for the sale and issue of any bonds pursuant thereto.

Section 124. **Advertisement and Sale of Bonds:** All bonds, whether authorized by the council or by the people, shall be advertised for sale at least 30 days in THE OFFICIAL GAZETTE. Bonds shall not be sold for less than par and accrued interest.

ARTICLE XIV.

AMENDMENT.

Section 125. **Amendment of the Charter:** This charter may be amended by majority vote on such amendments. The provisions of this charter, with respect to submission of legislation to popular vote by the initiative, or by the council of its own motion, shall apply to and include the proposal, submission and adoption of amendments.

The council may make further regulations for carrying out the provisions of this article, not inconsistent herewith.

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